

ORDINANCE NO. \_\_\_\_\_

ORDINANCE REZONING APPROXIMATELY 520 ACRES OF LAND FROM THE HIGHLAND PRESERVE SPECIAL DISTRICT, R1, AND R2 TO THE R-1x, R2, AND HOLDING ZONE ZONING DISTRICT, AND AMENDING ORDINANCE NO. 2785, KNOWN AS THE ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL OF THE CITY OF ROCHESTER, MINNESOTA.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Upon public hearing duly noticed and held, Ordinance No. 2785 as amended, known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, is hereby further amended as follows:

The Zoning Map of the City of Rochester as adopted by said Ordinance No. 2785 establishing the various zoning districts and boundaries thereof is amended by rezoning the following described lands to the district indicated:

R-1x

Those parts of the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter, and the Northwest Quarter of the Southeast Quarter, all in Section 18, Township 107 North, Range 14 West, Olmsted County, Minnesota described as follows:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of North 00°17'37" West, along the east line of said Southeast Quarter of the Northeast Quarter, 294.71 feet; thence South 89°42'23" West 739.86 feet; thence North 58°10'57" West 163.05 feet; thence South 45°00'01" West 68.78 feet to the point of beginning; thence South 75°57'58" West

496.12; thence South 09°08'30" West 394.82 feet; thence North 76°41'32" West 835.06 feet to the southeast corner of CASCADE PASS, according to the recorded plat thereof on file and of record at the office of the Olmsted County Recorder (the next 5 courses are along the east line of said plat of CASCADE PASS); thence North 00°15'33" East 190.04 feet; thence North 89°44'27" West 14.34 feet; thence North 00°08'14" West 664.52 feet; thence North 89°44'35" West 67.23 feet; thence North 00°15'25" East 135.00 feet to the south line of WEDGEWOOD HILLS SEVENTH, according to the recorded plat thereof on file and of record at the office of the Olmsted County Recorder's Office; thence South 89°44'28" East, along said south line and along the south lines of WEDGEWOOD HILLS FIFTH and WEDGEWOOD HILLS FOURTH, according to the recorded plats thereof on file and of record at the office of the Olmsted County Recorder, 2296.36 feet to the westerly right of way line of 50<sup>th</sup> Avenue NW as described as 'Parcel 1' in the deed recorded as Document Number A-1164407 in the office of the Olmsted County Recorder; thence southwesterly 328.73 feet, along said right of way line and along a non-tangential curve, concave to the west, said curve has a radius of 5669.58 feet, a central angle of 03°19'20" and chord of said curve bears South 03°54'19" West 328.69 feet; thence North 86°23'58" West 310.17 feet; thence North 62°41'51" West 198.99 feet; thence North 84°32'15" West 342.96 feet; thence South 00°56'10" West 477.19 feet to the point of beginning.

The above described zoning area contains 35.25 acres, more or less.

## R2

The South Half of the Southwest Quarter, the Southeast Quarter and the South Half of the Northeast Quarter, all in Section 18, Township 107 North, Range 14 West, Olmsted County, Minnesota.

### EXCEPT:

The plats of WEDGEWOOD HILLS FOURTH, WEDGEWOOD HILLS FIFTH, WEDGEWOOD HILLS SIXTH, WEDGEWOOD HILLS SEVENTH and CASCADE PASS, according to the recorded plats thereof, Olmsted County, Minnesota.

### ALSO EXCEPTING (R-1X zoning description)

Those parts of the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter, and the Northwest Quarter of the Southeast Quarter, all in Section 18, Township 107 North, Range 14 West, Olmsted County, Minnesota described as follows:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of North 00°17'37" West, along the east line of said Southeast Quarter of the Northeast Quarter, 294.71 feet; thence South 89°42'23" West 739.86 feet; thence North 58°10'57" West 163.05 feet; thence South 45°00'01" West 68.78 feet to the point of beginning; thence South 75°57'58" West 496.12; thence South 09°08'30" West 394.82 feet; thence North 76°41'32" West 835.06 feet to the southeast corner of CASCADE PASS, according to the recorded plat thereof on file and of record

at the office of the Olmsted County Recorder (the next 5 courses are along the east line of said plat of CASCADE PASS); thence North 00°15'33" East 190.04 feet; thence North 89°44'27" West 14.34 feet; thence North 00°08'14" West 664.52 feet; thence North 89°44'35" West 67.23 feet; thence North 00°15'25" East 135.00 feet to the south line of WEDGEWOOD HILLS SEVENTH, according to the recorded plat thereof on file and of record at the office of the Olmsted County Recorder's Office; thence South 89°44'28" East, along said south line and along the south lines of WEDGEWOOD HILLS FIFTH and WEDGEWOOD HILLS FOURTH, according to the recorded plats thereof on file and of record at the office of the Olmsted County Recorder, 2296.36 feet to the westerly right of way line of 50<sup>th</sup> Avenue NW as described as 'Parcel 1' in the deed recorded as Document Number A-1164407 in the office of the Olmsted County Recorder; thence southwesterly 328.73 feet, along said right of way line and along a non-tangential curve, concave to the west, said curve has a radius of 5669.58 feet, a central angle of 03°19'20" and chord of said curve bears South 03°54'19" West 328.69 feet; thence North 86°23'58" West 310.17 feet; thence North 62°41'51" West 198.99 feet; thence North 84°32'15" West 342.96 feet; thence South 00°56'10" West 477.19 feet to the point of beginning.

The above described zoning area contains 221.64 acres, more or less.

#### HOLDING ZONE

##### PARCEL B:

The Southwest Quarter of the Northeast Quarter of Section 19, Township 107 North, Range 14 West, Olmsted County, Minnesota, less the West 660 feet of the South 330 feet thereof.

##### PARCEL C:

The East One-Half of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter, Section 19, Township 107 North, Range 14 West, Olmsted County, Minnesota.

##### PARCEL D:

That part of the South One-Half of the Northwest Quarter of Section 19, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows: Commencing at the southwest corner of said Northwest Quarter and running thence East along the south line thereof a distance of 1665 feet for a place of beginning; running thence North parallel with the west line of said section a distance of 1320 feet more or less to the north line of said South One-Half; thence East along said north line a distance of 845.3 feet to the northeast corner thereof; thence South along the east line thereof to the southeast corner; thence West along the south line a distance of 834 feet more or less to the place of beginning.

**PARCEL E:**

The North Half of the Northwest Quarter of Section 19, Township 107 North, Range 14 West, Olmsted County, Minnesota, except the South 400.00 feet of the North 730.00 feet of the West 1088.86 feet thereof.

**PARCEL F:**

That part of the South One-Half of the Northwest Quarter of Section 19, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows: Beginning at the southwest corner of said Northwest Quarter and running thence East along the south line thereof, a distance of 1170 feet; thence Northerly at right angle to said south line a distance of 1320 feet, more or less, to the north line of said South One-Half; thence West along said north line a distance of 1170 feet; thence South along the west line to the point of beginning, excepting that part which lies south and west of the public road and also excepting the North 220 feet of the West 500 feet thereof.

**Exhibit "B" Exceptions**

4. Property conveyed by Rochester Cascades, LLC to Floyd C. Ott and Laureen M. Ott by Quit Claim Deed dated July 2, 2008, and recorded July 3, 2008, as Document No. A-1172607.

5. Property conveyed by Floyd C. Ott and Laureen M. Ott to City of Rochester by Deed dated March 30, 2009, and recorded April 16, 2009, as Document No. A-1196715.

6. That part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 19; thence South 00 degrees 38 minutes 33 seconds East, assumed bearing, along the west line thereof, 1776.35 feet to the centerline of VALLEYHIGH ROAD North West; thence southeasterly 79.80 feet along said centerline and along a nontangential curve, concave to the east, central angle of 03 degrees 59 minutes 24 seconds, radius of 1145.92 feet and a chord that bears South 16 degrees 18 minutes 28 seconds East, 79.79 feet; thence North 82 degrees 30 minutes 00 seconds East, not tangent to said curve, 396.00 feet for the point of beginning; thence North 00 degrees 50 minutes 22 seconds East, 129.00 feet; thence North 80 degrees 43 minutes 38 seconds East, 135.00 feet; thence South 10 degrees 01 minute 52 seconds East, 192.00 feet; thence South 82 degrees 30 minutes 00 seconds West, 170.92 feet; thence North 00 degrees 50 minutes 22 seconds East, 60.64 feet to the point of beginning.

**Exception #2**

**PARCEL 4 - PERMANENT RIGHT OF WAY  
PROPERTY IDENTIFICATION No.:  
DESCRIBED AREA: 231,498 SQUARE FEET**

That part of the East One Half of the Northeast Quarter, and the Northwest Quarter of the

Northeast Quarter, Section 19, Township 107, Range 14, Olmsted County, Minnesota lying easterly of the following described line:

Commencing at the northeast corner of said Northeast Quarter; thence westerly along the north line of said Northeast Quarter 203.93 feet to the point of beginning of said line; thence southerly deflecting to the left 90 degrees 45 minutes 32 seconds 83.50 feet; thence easterly deflecting to the left 90 degrees 00 minutes 00 seconds 18.88 feet; thence southeasterly 48.91 feet along a nontangential curve concave to the southwest having a radius of 56.00 feet and a central angle of 50 degrees 2 minutes 40 seconds, and the chord of said curve deflects to the right 34 degrees 58 minutes 40 seconds from the last described line; thence southeasterly 56.08 feet tangent to said curve; thence southerly 39.79 feet along a tangential curve concave to the west having a radius of 76.00 feet and a central angle of 30 degrees 00 minutes 00 seconds; thence southerly 62.35 feet tangent to said curve; thence southerly 151.80 feet along a tangential curve concave to the west having a radius of 7591.00 feet and a central angle of 1 degree 8 minutes 45 seconds; thence southerly 447.36 feet tangent to said curve; thence southerly 153.72 feet along a tangential curve concave to the east having a radius of 7687.00 feet and a central angle of 1 degree 8 minutes 45 seconds; thence southerly 272.95 feet tangent to said curve; thence westerly deflecting to the right 90 degrees 40 minutes 36 seconds 7.68 feet; thence southerly deflecting to the left 90 degrees 4 minutes 58 seconds 60.00 feet; thence easterly deflecting to the left 89 degrees 55 minutes 02 seconds 8.30 feet; thence southerly deflecting to the right 89 degrees 19 minutes 24 seconds 756.36 feet; thence southerly deflecting to the right 3 degrees 48 minutes 51 seconds 180.40 feet; thence southerly deflecting the left 3 degrees 48 minutes 51 seconds 220.42 feet; thence southwesterly deflecting to the right 46 degrees 35 minutes 14 seconds 73.43 feet to the northerly right of way of Valley High Road Northwest and said line there terminating.

#### Exception #4

That part of the Southwest Quarter of the Northeast Quarter of Section 19, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of said Quarter Quarter Section; thence South 89 degrees 37 minutes 27 seconds East, assumed bearing, along the south line thereof, 660.02 feet to the southeast corner of the west 660.00 feet of the south 330.00 feet of said Quarter Quarter Section; thence North 00 degrees 06 minutes 11 seconds West, along the east line of said west 660.00 feet of the south 330.00 feet, a distance of 247.33 feet; thence North 56 degrees 12 minutes 47 seconds East, 214.60 feet for the point of beginning; thence continue North 56 degrees 12 minutes 47 seconds East, 20.87 feet; thence North 85 degrees 14 minutes 29 seconds East, 124.22 feet; thence North 29 degrees 08 minutes 42 seconds East, 218.08 feet; thence South 60 degrees 51 minutes 18 seconds East, 130.00 feet; thence South 29 degrees 08 minutes 42 seconds West, 280.02 feet; thence North 61 degrees 45 minutes 38 seconds West, 90.01 feet; thence North 88 degrees 48 minutes 52 seconds West, 111.39 feet; thence North 33 degrees 47 minutes 13 seconds West, 60.88 feet to the point of beginning.

Containing 1.01 acres more or less.

Exception #5

PROPERTY DESCRIPTION (50th Avenue North West Tower Site)

FOR: CITY OF ROCHESTER

DATE: DECEMBER 22, 2008

That part of the Northeast Quarter of the Northeast Quarter of Section 19; Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Quarter Quarter Section; thence North 89 degrees 27 minutes 40 seconds West, assumed bearing, along the north line thereof, 203.93 feet; thence South 00 degrees 13 minutes 06 seconds East, 83.50 feet; thence North 89 degrees 46 minutes 54 seconds East, 18.88 feet; thence southeasterly 48.91 feet along a nontangential curve, concave to the southwest, radius of 56.00 feet, a central angle of 50 degrees 02 minutes 40 seconds and the chord of said curve bears South 55 degrees 14 minutes 20 seconds East, 47.37 feet; thence South 30 degrees 13 minutes 00 seconds East, tangent to said curve, 56.08 feet; thence southerly 39.79 feet along a tangential curve, concave to the west, radius of 76.00 feet and a central angle of 30 degrees 00 minutes 00 seconds; thence South 00 degrees 13 minutes 00 seconds East, tangent to said curve, 62.35 feet; thence southerly 93.93 feet along a tangential curve, concave to the west, radius of 7591.00 feet and a central angle of 00 degrees 42 minutes 32 seconds for the point of beginning; thence continue southerly 51.88 feet, along said curve having a radius of 7591.00 feet and a central angle of 00 degrees 26 minutes 13 seconds; thence South 00 degrees 55 minutes 45 West, tangent to said curve, 152.11 feet; thence North 89 degrees 27 minutes 40 seconds West; 225.01 feet; thence North 00 degrees 00 minutes 00 seconds West, 210.00 feet; thence South 89 degrees 27 minutes 40 seconds East, 228.19 feet to the point of beginning.

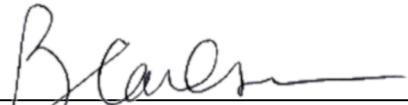
Containing 1.093 acres more or less

Section 2. EFFECTIVE DATE. This ordinance shall become effective upon the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
ROCHESTER, MINNESOTA, THIS 6th December

ATTEST:

  
CITY CLERK

  
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS



  
MAYOR OF SAID CITY